

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DOROTHY TONEY-ACON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV1229 RWS
)	
CITY OF UNIVERSITY CITY,)	
)	
Defendant.)	

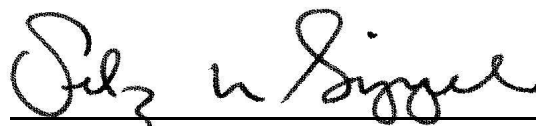
MEMORANDUM AND ORDER

This matter is before me on defendant's motion to dismiss four out of six claims alleged in plaintiff's *pro se* complaint. Plaintiff has failed to respond to the motion to dismiss, and her time for doing so expired long ago. The unopposed motion to dismiss will be granted for the reasons argued by defendant in its brief supporting the motion. Plaintiff cannot bring her state law claims as a matter of law, and her complaint alleges no facts that would support a retaliation claim under either Title VII or the ADEA. The dismissal of plaintiff's retaliation claim is without prejudice, so plaintiff may seek leave to amend her complaint if she can make the allegations necessary to state a retaliation claim. However, plaintiff is on notice that she is required to comply with the Federal Rules of Civil Procedure and the Court's local rules or risk sanctions for her failure to do so, which could include the dismissal of this action with prejudice.

Plaintiff has filed a motion seeking appointment of counsel. I will discuss her efforts to secure counsel, as well as other factors relevant to a determination of whether to appoint counsel, at the scheduling conference before I rule on the pending motion. However, plaintiff is not relieved of her responsibilities to prosecute this action *pro se* merely because she has asked the Court to appoint counsel for her.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss [#8] is granted, and plaintiff's claims for breach of implied covenant of good faith and fair dealing, breach of the Civil Service Rules, and intentional infliction of emotional distress are dismissed, and plaintiff's claims for retaliation under Title VII and the ADEA are dismissed without prejudice.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of November, 2008.